IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16597 of 2004

Between:

Panchaparvla Kanya Nageswara Rao, S/o. Krishna Murthy,
PACS Lakshmipuram, Circarthota, Machilipatnam.

..... PETITIONER

AND

1 The District Co-Operative Officer, Krishna, Machilipatnam.
2 The General Manager, Krishna District Co-Operative Central Bank Limited, Machilipatnam, Krishna District.
3 The Primary Agricultural Co-Operative Society, Lakshmipuram, rep. by its Incharge Secretary, Lakshmipuram, Challapalli Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or direction more particularly one in the nature of writ of Mandamus and set aside the impugned proceedings Ref.No.P.S.No.215/2003-A2, Dt. 17.2.2003, of the 2nd respondent being illegal, arbitrary and violative of Articles 14, 19 (1) (g) of the Constitution of India apart form being violation of the principles of Natural Justice.

Counsel for the Petitioner:Mr. T.Lakshminarayana,

Counsel for the Respondents No.1 and 2:Mr. B.Adinarayana Rao

Counsel for the Respondent No.3: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner is working as a Secretary in the 3rd respondent Society. He contends that he was kept under suspension through proceedings dated 17-2-2003 by the 2nd respondent by initiating an enquiry. In the suspension order, dated 17-2-2003 the 2nd respondent mentioned as follows:-

> *"He is eligible for subsistence allowance at the rate of 50% of his eligible last drawn salary as permitted by the Lakshmpuram PACS during suspension receivable from the funds of the Society".*

The grievance of the petitioner is that from the date of the suspension he was not paid any subsistence allowance as mentioned in the order of suspension.

The learned counsel for the petitioner further submits that as per the Rules the petitioner is entitled to be paid the subsistence allowance, during the period of his suspension. Therefore, he approached this Court through this Writ Petition seeking a direction to the 3rd respondent to pay the subsistence allowance during the period of suspension.

In the light of circumstances explained by the petitioner, the 3rd respondent is directed to pay the subsistence allowance for the entire period of suspension, if not paid fully or partly, as on today and continue to pay the same, during the period of suspension till it is raised.

The Writ Petition is accordingly allowed. No order as to costs.

Dr. G.Yethirajulu, J.

16th September, 2004.

KM

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Co-Operative Officer, Krishna, Machilipatnam.
2 The General Manager, Krishna District Co-Operative Central Bank Limited, Machilipatnam, Krishna District.
3 Incharge Secretary,

The Primary Agricultural Co-Operative Society, Lakshmipuram,
Lakshmipuram, Challapalli Mandal,
Krishna District.

4.2CCs to G.P. for Co-operation, High Court Buildings, Hyderabad (OUT)

5.2CD copies

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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16th September, 2004.